

DEAN R. LESSLEY, d/b/a
Lessley Development Company,

No. 01-3452-CV-S-DW

V.

and

Defendants.

Defendant MCI (now known as Verizon) states that it has emerged from bankruptcy, and that a discharge injunction under 11 U.S.C. § 1141(d) precludes further proceedings on the claims made by Plaintiff Lessley. MCI further states that if Lessley's claims are dismissed with prejudice, it does not intend to pursue its counterclaims. Lessley has failed to timely submit a status report as to his claims, and whether they may be pursued. Based on all the circumstances, the Court assumes that Lessley has abandoned this litigation. Therefore, the Court hereby **DISMISSES THIS CASE WITH PREJUDICE** for failure to prosecute, with all parties to bear their own fees and costs. The Clerk of Court shall mark this case as closed.

/s/ DEAN WHIPPLE
Dean Whipple
United States District Judge

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